Record of Proceedings

of the

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Court House of the Tribunal War Ministry Building Tokyo, Japan

The United States of America, the Republic of China, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Commonwealth of Australia, Canada, the Republic of France, the Kingdom of the Netherlands, New Zealand, India, and the Commonwealth of the Philippines

-Against-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KQISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Youshijiro;

-Accused-

Official Court Reporters

Jack Greenberg, Chief Fred T. Abram James F. Barton Antoinette Duda Samuel Goldberg Robert B. Morse John J. Smith Daphne Spratt Elvira Whalen Julian Wolf Lorraine Yelden INDEX

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Friday, 13 September 1946

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment, at 0930.

Appearances:

11

15

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese to English interpretation was made by the Language Section, IMTFE.)

Greenberg & Bart

THE MARGHAL OF THE COURS: The International Military Tribunal for the Far East is now in session.

THE PRESIDENT: Mr. Comyns Carr.

MI. COMYNS CARR: My friend, Mr. Hauxhurst, has an explanation for which the Court asked two or three days ago, which he is in a position to supply now. And, if it is convenient for the Court, it would be quite convenient for me that he should intervene for a few minutes with that explanation.

THE PRESIDEN': Mr. Hauxhurst.

MR. HAUXHURST: If the Tribunal please, the additional information to enlighten the Court on the figures of exhibit 469, which was under consideration last Tuesday, as far as they are available have now been obtained by me. In that connection, if it please the Tribunal, I would like to introduce into evidence prosecution's exhibit with the next number for the purpose of showing the explanations which I expect to make with reference to exhibit 469.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document supplementing exhibit 469 will receive exhibit No.

474.

(Whereupon, prosecution's exhibit No. 474 was received in evidence.)

curing of these certificates from the Chairman of the Committee for Closed Institutions in Japan, Mr. W.

N. Rogers, Assistant Chief of the Liquidation Branch,
Finance Division, who is acting under a SCAP directive dated September 30, 1945, has asked me to say
that these certificates are made only from such
records as the Committee of Conservators for the
Closed Institutions have in their possession in Tokyo,
Japan; and that the Committee of Conservators for
Closed Institutions had nothing to do with the operations of the Central China Development Co. Ltd. or the
North China Development Co. Ltd. prior to the issuing
of this directive.

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This exhibit consists of two certificates, one by Mr. SUZUKI, the Chairman of the Committee, certifying to the balance sheets of the Central China Development Company and the North China Development Company as of March 31, 1945. In view of the fact that the figures which were in exhibit 469 can be easily explained by following the balance sheets, I would ask your attention to the balance sheet of the Central Chima Development Co. Ltd.

The first item on the Assets side, "Investment and Loan account" of 4 billion, 971 million, 713 thousand, 250 yen is divided into three parts:
Investment in subsidiaries, 144 million, 61 thousand,
390 yen; that item appeared in exhibit 469 in exact
figures. The next two, loans and advances, which
aggregate 4 billion, 827 million, 651 thousand,
860 yen, is the figure that also appeared in exhibit
469.

On the liability side of the Central China Development Company, at the top of the page, appears "China Development Company debenture account, \$\mathbf{Y}\$ 352,600,000.00." That was the item that the Court was inquiring about.

THE PRESIDENT: Mr. Hauxhurst, you told us that these were loans by the companies, and we asked you to ascertain where the companies obtained the funds from which the loans were made. That is all we want you to explain, if you can do so from this document.

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NR. HAUXHURST: I can, sir. On that debenture account just referred to, 334 million, 600 thousand yen was sold in Japan. In the next item, if the Tribunal please --

THE PRESIDENT: Do not read any more long figures if you can avoid it. You can use the expression "four billion odd," or something like that.

MR. HAUXHURST: The next item, "Borrowing account" of five billion yen.

THE FRESIDENT: Perhaps you had better make a statement or write out a statement, Mr. Hauxhurst, and give it to us this afternoon. Make it as brief as possible and avoiding long figures.

 $\ensuremath{\text{MR}}.$ HAUXHURST: I could make this one explanation.

THE PRESIDENT: My colleagues, who have been reading the document, say that on its face it indicates the source of these moneys. If we need further assistance, we will let you know, Mr. Haux-hurst.

MR. HAUXHUNST: Thank you.

THE PRESIDENT: Do you take the view -- I do not know whether you do or not -- that on its face the documents disclose the source of the loans?

MR. HAUXHURST: Yes, sir, except that there are certain items, for instance, overdrafts of thirteen billion dollars, that they do not have the information here in Tokyo because the North China Development Company was located in Peiping, and they do not have the figures available. There are certain items --

MR. BROOKS: Mr. President, on the part of

the defense, on the first part of this certificate it shows the custody of the original records that this is taken from is only a partial group of original documents, that some of them have been destroyed; but I think the defense will agree that in the bottom part that the question the Court was deciding on that first page of where the money that they loaned came from, a large quantity of it has been borrowed from the banks as set out in the last paragraph thereof: started borrowing accounts, Yokohama Specie Eank and the Industrial Bank of Japan.

With the Court, taken as summarized from exhibits 471 and 470: that in China, 419 business bodies plus the investment of the Japanese Covernment in these two companies amounted to round figures of 298 billion yen, and in Manchukuo, 18 billion yen, a total of 316 -- 317 billion yen.

I wish to thank the Tribunal for this privilege and to say that that will close any further testimony on this phase of the case unless the Court should require further information which we will be very glad to furnish.

MR. BROOKS: Mr. President, we believe that

the prosecution should have placed more material on the exports from these areas into Japan, or the imports into Japan from either side of the ocean, to show the relationship between the amount being received and the amount of capital investment going in as shown by the imports. I believe that would be very material, and defense will try to bring that out.

THE PRESIDENT: Well, if it be meterial, the balance sheet reveals that most of the money -- nearly all of the money -- loaned by the companies was borrowed in China, and it suggests Chinese funds are the source of the loans. That can be corrected by the defense later if they have the material.

Mr. Carr.

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Journed last night, I was reading exhibit 473, and I was about to read a portion of it on page 10. I think it is clear that this is one of the replies to the demand for information on page 3 which I read yesterday and which one of my friends pointed out to me is dated July 29, 1944. The document I am going to read is undated but bears the receipt stamp "October 4, 1944."

THE PRESIDENT: Major Furness.

MR. FURNESS: I would like to inquire from the prosecution whether or not these documents which are being introduced, document 1810-A, are part of a general file or whether they purport to be all the documents dealing with this particular subject.

MR. COMYNS CARR: The answer to my friend's ouestion is that they are part of a large file obtained from the prisoner of war information bureau. We have not been able to find on that file any other documents bearing on this particular matter.

MR. FURNESS: I make inquiry, Mr. President, because the certificate or statement of source and authenticity refers to the file, "Concerning Treatment of Prisoners of War in Burma and Siam," consisting of 572 pages, dated February 3, 1944, which is a date prior to the date of any of the documents which are now being referred to.

THE PRESIDENT: The prosecution should make the whole file available to the defense, if the defense so desire.

MR. COMYNS CARR: We have not the slightest objection. Indeed, I was going to suggest it myself.

Now I propose to read the document.

"From: Chief of Prisoner of War Camp in Siam.

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"To: Chief of Prisoner of War Information 1 Bureau. "Subject: Information re British prisoners 4 of war in Burma. 5 "I am sending you a report regarding the 6 facts A and B in Item No. 1 of the British protest 7 as stated in the Prisoner of War Supply No. 36. 8 "This matter concerns the sacrifice of the 9 administration of the prisoners of war for strategic 10 reasons and contains no material for refutation against 11 the enemy protest. 12 "Item following 'C' has no relation to us. 15 "Branch Camp No. 3 was opened in Burma 14 September, 1942 to intern 9,535 prisoners of war 15 transferred from Java. Branch Camp No. 5 was opened 16 in January, 1943 to intern 1,946 prisoners of war. 17 These camps are under the command of the Fifth Railway 18 Regiment and the prisoners of war were engaged in 19 constructing a railway between Burma and Siam. At 20 that time, provisions and rations were scarce. Quar-21 ters and establishments were poor and medical facil-40.0 ities were inadequate. Moreover, for strategic 23 reasons, it was necessary to complete the railway by 24 August, 1943, and the work was pushed forward at a 25 terrific bace, with the result that many prisoners

of war became ill and many died, as per attached sheet.

"Following the opening of the railway to
traffic in October, 1943, all prisoners of war in
Burma were concentrated in Fanchana, Buri, Nonbodog
(phonetic) and Termacam, except a few who were to
assist the Railway Unit. Both the quarter facilities
and provisions have been improved at present and both
the number of patients and deaths have decreased
considerably."

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And then follow two attached tables of figures. The first is described as "Frisoner of "ar Patients during the period between January, 1943 and July, 1944. (Investigated by Siam Prisoner of War Camp.)" It purports to give for each month the total number of prisoners of war employed, the number of patients in Siam and their ratio to the total number employed, the number of patients in Burma and their ratio to the total number employed, and then in total the number of patients and their ratio to the total number employed. I will only call attention to the first and last columns, the percentage of the total number employed, who on their own showing were patients or sick, in 1943, varied from 63.2% to 79.4%.

THE PRESIDENT: Major Furness.

the Court that that figure is obviously an error, an addition to the two ratios and is not a ratio of the total number of those employed.

MR. COMYNS CARR: My friend has not understood the scheme of these figures. The column for the ratio in Siam is the ratio of the sick persons in Siam to the total number stated to be employed not only in Siam but in Burma as well. In the same way, the ratio given for Burma is the ratio of the sick in Burma to the whole number employed. It is natural, therefore, that the final figure in the last column should be arrived at by adding the two ratios together. It will be important to note that the worst month of all was the month of October, 1943.

CYRIL HEW DALRYMPLE WILD,

called as a witness on behalf of the prosecution,

resumed the stand and testified as follows:

DIRECT EXAMINATION (Continued)

BY MR. COMYNS CARR:

Q Now, Colonel Wild, have you any comment to make on that table of figures? Does it seem to you to be approximately correct in accordance with your experience?

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A It would appear to me to be approximately correct.

Q Can you tell us whether in this report which is made by the Siam Prisoner of War Administration, the total figures given by him include F and H Forces which were under the Malaya Prisoner of War Administration?

A I think that they do because I do not believe that the total number of prisoners of war went in excess of fifty thousand during 1943.

Now, will you look at the next table, No. II.

I need only ask you about the totals at the bottom,
which purport to show the total number of deaths in
Siam as 6,500, in Burma as 1,246, and in total,
7,746. What have you to say to those figures?

A It is quite clear to me that the total figure of the deaths in Siam is an understatement.

o If it does not purport to include the figures for F and H Forces, you told us yesterday, I think, the deaths there would add another four thousand; is that right?

A Correct.

O It would still leave it about four thousand under the figure you gave us yesterday of sixteen thousand?

A Yes, it would.
Are you sure that all the deaths were
actually reported in the way you described yesterday
A Certainly, in all areas where I was in Siam
MR. COMYNS CARR: Now would the Tribunal
kindly turn back to page 7 of this document, which is
the last in order of dates and which is the reply of
the Chief of Staff of the Southern Army to the same
demand for information as the last one. (Reading):
"Dated 23 October 1944.
"From: Chief of Staff of the Southern Army,
"To: Chief of Prisoner of War Information
Bureau.
"Subject: Information re treatment of
British prisoners of war in Burma.
"I send you a report regarding the subject
mentioned above by the Prisoner Supply No. 36 dated
July 29, as I have received the following report:
"Dated 6 October 1944
"From: Commander of the Southern Army Field
Railway Unit.
"To: Chief of Staff of the Southern Army.
"Subject: Report re British prisoners of
war in Burma.
"I am sending you a report in reply to 'I'

SAN 3 Secret No. 336 concerning British prisoners of war in Burma (districts allotted for the construction of railway connecting Siam with Burma.)

"1. The number of patients and deceased prisoners of war who were engaged in the construction of the railway connecting Siam and Burma are as in Tables I and II. The prisoners of war include both British and Dutch and there is no way to investigate the British prisoners of war separately. For strategic reasons the completion of this railway was most urgent. Since the proposed site of the railway line was a virgin jungle, shelter, food provisions and medical supplies were far from adequate and much different from normal conditions for prisoners of war.

"During the rainy season of 1943, transportation was frequently interrupted and both Japanese soldiers and prisoners of war were obliged to put up with much hardship. The Japanese army Medical Corps tried in vain to stem the violent outbreak of malaria and sicknesses of digestive organs. However, with the opening of the said railway in October, 1943, both the number of patients and deaths diminished with the completion of provisions and facilities.

"2. I know nothing about the insulting of

British prisoners of war in Moulmein since Moulmein is out of the work area."

BY ER. COMYNS CARR: (Continued)

Colonel Wild, what do you say about the efforts there alleged of the Japanese Army Medical Corps to stem the violent outbreak?

A I saw no signs of them.

Q And what do you say about the suggestion that both Japanese soldiers and prisoners of war were obliged to put up with much hardship?

A That is true in the sense that being in the Siamese jungle in the monsoon is not pleasant for anyone. In fact, there are many hardships, but these hardships were not equally shared because the Japanese had many facilities for overcoming them.

MR. COMYNS CARR: Now I desire to tender in evidence prosecution's document No. 1509.

THE FRESIDENT: Major Furness.

MR. FURNESS: Before we leave exhibit No. 473
I would like to ask that the translation be checked.
I have already talked to the Language Section and they say there is room for controversy and I therefore ask that it be checked and referred to the arbiters in accordance with the rules of the Court.

THE PRESIDENT: We direct it be checked.

This is a report by the Japanese Government on the Burma-Thailand Railway. Admitted on the usual terms.

MR. COMYNS CARR: I should have said No. 1509-A, I am told.

CLERK OF THE COURT: Prosecution's document No. 1509-A will receive exhibit No. 475.

(Whereupon, prosecution's exhibit No. 475 was received in evidence.)

MR. COMYNS CARR: This was a document prepared by the Japanese War Ministry immediately after the surrender of Japan and forwarded by them on the 19 December 1945 to the Supreme Commander, but prepared of their own motion and not on demand. I need not read the whole of it today at all events and there can be no controversy about the translation because the Japanese and English versions were supplied together by the Japanese War Ministry. There are, however, in the English version, as supplied by them, one or two mistakes in date which I will correct. There are references in it to orders by Imperial General Headquarters and I should like to state now that it will be the prosecution's case that' the following accused were members of that body at the material dates: TOJO, KIMURA, SATO on the military

side, and SHIMADA, NAGANO and OKA on the naval side.

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MR. COMMINS CARR (Continuing): Reading now the first half of page 3:

(Reading).

- "1. The so-called brutal treatment of Allied prisoners of war during the construction of the Siam-Burma Railway shall be divided into two categories; (1) Hisconduct in the form of direct cruelty to the prisoners of var (the cases known as maltreatment of prisoners), and (2) incidents involving a considerable number of deaths from illness among the prisoners during the work. Cases coming under the first category shall be dealt with as cases of ordinary maltreatment of prisoners, whereas the unforturnate incidents coming under the second were caused under the circumstances that were unavoidable during the waging of war. It should, therefore, be noted that there is a distinct difference in character between cases(1) and (2).
- "2. In the present report, a plain statement will be made of the actual state of affairs and
 of the treatment of the prisoners of war which have
 led to the comparatively large number of deaths from
 sickness during the construction of the railway
 under (1).

"Under Part 1 of this report the protests made by the Allied Powers will be dealt with; under Part 2 a description will be given regarding the investigations conducted into general affairs relative to the prisoners' treatment and the special cases of those under protest, and finally Part 3 will give the measures taken by the Japanese authorities in respect to the foregoing (2) (judicial decisions).

"Tith regard to cruelty directly inflicted on prisoners under (1), no data are available in Tokyo, and lieison with the Japanese troops on the spot is at the moment virtually impossible, for which reason the cases under (1) are excluded from this report. Accordinly it is hoped that inquiries will be made on the spot by the Allied Powers in respect thereto."

AR. COMYNG C.NR (Continuing): Then I need not read the next one and a half pages, but I come down to the middle of page 5.

(Reading): "Tentative Translation of the Oral Message dated July 4, 1944 from Swiss Legation, Tokyo.

"By the letter dated Sentember 15, 1944" -'1974' should be '1942', correct date -- "addressed
to his Excellency General hideki ToJO, the then
Minister of Foreign Affairs, and by the letter dated
December 9, 1044" -- '1944' should be '1942' -- "to
His Excellency Lasayuki T.NI, the Swiss Minister had
the honor to communicate the approbansions which the
British Government entertained as to the maltreatment
accorded the prisoners of war at the Hangoon Camp.
The London Government furnished, at the same time,
a cert in number of detailed facts relative to the
same treatment.

"By letter No 33/C R., ca'ed Vebruary 1945" -'1945' should be '1943' -- "His Excellency Foreign
Minister answered to the Swiss Minister that the
facts as mentioned on the above letter did not exist.

"The Swiss Limister never failed to convey the contents of this letter to his Government in behalf of the United Kingdom Government.

BY LR. COLYNS CARR (Continued):

- O Colonel "ild, was it true that the monsoon began carlier than usual in that year?
 - A I believe it was the usual time.
- nourself and the Japanese officers with whom you had to deal on the spot?
- A On information we had from officers who had been in burma and Siam before the war, we warned the Japanese again and again that the monsoon was about to break.

THE FRASIDENT: We will recess now for fifteen minutes.

("hereupon, at 1045, a recess was taken until 1100, after which the proceedings were resured as follows:)

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"The Swiss Legation has the honor to acquaint the Minister of Forcian Affairs" -- that is to say, the accused SHICEMITSU, "with the fact that the British Covernment has, in a new communication made the following request to the Imperial Covernment for information as regards the treatment of the prisoners of war in Burma.

"'1. First complaint concerns area of Moulmein and fulls under three headings:

"/. Notifications: According to postcards printed by the Japanese Authorities, about 20,000 British and Allied prisoners of war are detained in or near Moulmein. Transfer of prisoners of war to this camp has never been notified; and it is believed that capture of many prisoners of war now in this and other Burmese camps has also have been notified.

Nor has any notification been received of numberous deaths that are known to have occurred there.

"B. Conditions: Conditions under which prisoners of war in Moulmain camp are detained are known to His Majesty's Government to be at least as bad as, if not worse, then those which existed in Thailand (compare the letter of the Swiss Minister to His Excellency Mamoru Shigemitsu, dated 5 July 1943).

"During October and November 1942, prisoners of wer in Moulmein itself are known to have died at rate of approximately 10 per diem; the principal 3 cause of death being dysentery. In other camps ad-4 ministered by the Japanese authorities in or near Moulmein an even more appolling rate of mortality 6 has occurred amongst prisoners of war working on 7 that Burnese railway. These weathe are direct and 8 inevitable result of conditions in camps and in 0 particular of the wholly inadequate rations provided by the Japanese authorities, of the latter's failure to provide medicines or equipment in hospitals, of almost complete lack of adequate clothing or even footwear and of severity of labor exacted from prisoners of war.

"C. Exhibition of prisoners: In February of 1944, 25 prisoners of war were paraded through the town of Moulmein. They were in an emeciated condition and were forced to carry notices in Burnese stating that they had recently been captured on the Arakan front (which was not the case.) They were further held up to ridicule and contempt by a Japanese officer who accompanied the parade. Such proceeding are clearly contrary to honorable standards of warfare and unworthy of a nation calling itself civilized,

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24 25 apart from being a breach of Article 2 of the Prisoners of "Ar Convention.

"Letter deted December 4 1944 from Swiss Minister to Minister of Foreign Affairs -- again SHIGHTITSU -- (Protest by British and Australian Governments) Tentative Prendlation of the Letter deted December 4, 1944 from Swiss Minister to Minister of Foreign Affairs.

"I have the honor to acquaint Your Excellancy with the fact that the British and Australian Governments have requested my Government to convey the following communication to the Japanese Government.

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"Some 150 Australian and United Kingdom survivors from the Jananese transport steamship 'Rakuyo Maru' tornedoed in South China Sea on Sentember 12, have reached Australia and Great Britain. Following is a brief summary of the knowledge which has consequently come into the mossession of His Majesty's Governments in the United Kingdom and Australia regarding treatment of British and Australian prisoners of war by Japanese military authorities; all available prisoners of war in Singapore and Java were moved early in 1942 to Burma or Thailand. Australians were sent by sea to Burma crowded into ships' holds which had been horizontally subdivided so that ceilings were no more than 4 feet high. Prisoners from the United Kingdom were sent by rail to Thailand so crowded into steel cattle trucks that they could not even lie down during the journey. They were then marched some 80 miles. All were sent to work on the construction of a railway through primitive disease infected jungle in Thailand and Burma. Conditions under which all these men lived and worked were inhuman: such accommodation as was provided gave little or no protection against tropical rains or blazing sun. Form out clothing was not replaced and soon many lacked clothing, boots and head covering. The

only food provided was a punikin of rice and a small quantity of watery stew three times a day but work had to go on without respite whatever cost in human suffering or life. The inevitable result was a dreadful death rate, the lowest estimate being 20 per cent. These conditions continued until the railway was finished about October, 1943, when those not needed for maintenance work were moved to camps in Thailand and later to Singapore en route to Japan."

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"The rescued men were on a ship which left Singapore early in September 1944. There were probably 1300 United Kingdom and Australian prisoners of war on board. After she was sunk, the Japanese deliberately picked up all Japanese survivors but left the prisoners to their fate. Statements of our men constitute direct and unimpeachable evidence of the outrageous treatment by the Japanese of defenseless prisoners of war.

"I add that I communicated to His Excellency Minister Suzuki in the letter dated November 18, that the rescued men from Gakuyo Maru according to British information, arrived in England and Australia and that a public announcement would be given in both countries on the basis of the accounts of those men as to the maltreatment accorded the prisoners of war in Thailand and Burma."

Then, "Part II MATTERS OF INVESTIGATION "General Outline

"By order of the Imperial General Headquarters, the preparations for the construction of this railway were commenced in June 1942 by the South Army with the view of using it as a ground supply route and a trade and traffic one between Thailand and Burma, being urged on by the proposal of the